

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

LLDVF, L.P.,

Plaintiff,

v.

ROBERT J. DINICOLA, FRANCIS M.  
ROWAN, PETER P. COPSES, ANDREW  
S. JHAWAR, LINENS INVESTORS, LLC,  
APOLLO INVESTORS, LLC, LEE S.  
NEIBART, BRIAN PALL, NRDC REAL  
ESTATE ADVISORS I, LLC, MICHAEL A.  
GATTO, SILVER POINT CAPITAL FUND  
INVESTMENTS LLC and APOLLO  
MANAGEMENT V, L.P.,

Defendants.

**ORDER**

Civil Action No.: 09-1280 (JLL)

Currently before this Court is a motion to dismiss Plaintiffs Amended Class Action Complaint filed by the “Management Defendants,”<sup>1</sup> a motion to dismiss filed by the “Shareholder Defendants”<sup>2</sup> and “Non-Management Defendants,”<sup>3</sup> and a motion to dismiss filed by Defendant Silver Point Capital Fund Investments LLC (collectively “Defendants”). For the reasons set forth in this Court’s corresponding Opinion,

It is on this 12<sup>th</sup> day of August, 2010,

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<sup>1</sup> Robert J. DiNicola and Francis M. Rowan.

<sup>2</sup> Linens Investors, LLC, Apollo Investors LLC, Apollo Management V, L.P., and NRDC Real Estate Advisors I, LLC.

<sup>3</sup> Peter P. Copses, Andrew S. Jhawar, Lee Neibert, Brian Pall, and Michael Gatto.

**ORDERED** that Defendants' motions to dismiss (CM/ECF Nos. 17, 20, 21) are GRANTED. All claims are dismissed without prejudice; and it is further  
**ORDERED** that Plaintiff shall have twenty (20) days to file an amended complaint curing the deficiencies identified in the Court's corresponding Opinion. If an amendment is not filed within this time, the claims will be dismissed with prejudice.



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Jose L. Linares,  
United States District Judge